

ESTTA Tracking number: **ESTTA267081**

Filing date: **02/17/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050394
Party	Defendant L.G.R. TELECOMMUNICATIONS, INC.
Correspondence Address	L.G.R. TELECOMMUNICATIONS, INC. SUITE 980, 990 HAMMOND DR ATLANTA, GA 30328 UNITED STATES
Submission	Answer
Filer's Name	Joshua Tropper
Filer's e-mail	jtroppe@bakerdonelson.com
Signature	/jtroppe/
Date	02/17/2009
Attachments	Answer0002.pdf (4 pages)(1636411 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Agilent Technologies, Inc.,)	Cancellation No. 92050394
)	
Petitioner,)	Registration No. 3,471,587
)	
v.)	Mark: LGR Telecommunications (and Design)
)	
L.G.R. Telecommunications, Inc.,)	Registration Date July 22, 2008
)	
Respondent.)	
_____)	

Respondent L.G.R. Telecommunications, Inc., for its Answer to the Petition for Cancellation filed by Agilent Technologies, Inc.:

1. States that Respondent is without knowledge or information sufficient to form a belief as to the truth of the averments of ¶¶ 1, 4, 9 and 10 of the Petition, and on that ground denies those averments.

2. Admits the material averments of ¶¶ 2, 3 and 14 of the Petition.

3. Denies that Petitioner's "star dot design" is highly distinctive; denies that Reg. No. 2,636,161 depicts a dotted star design with a circle in the center (such circle consisting of eight dots) with eight points, each point consisting of four sequential dots; denies that the five registrations pleaded by Petitioner describe a single design mark; and admits the remaining averments of ¶ 5 of the Petition.

4. Denies that "Petitioner's Design Mark," as purportedly defined in ¶ 5 of the Petition, is evidenced by the registrations pleaded in ¶ 6 of the Petition; and is without knowledge or information sufficient to form a belief as to the truth of the remaining averments of ¶ 6 of the Petition, and on that ground denies those averments.

5. Denies that either version of Petitioner's mark covers an extensive array of goods

or services related to the goods and services of Respondent; denies that either version of Petitioner's mark covers computer peripherals, computer software for analysis of telecommunications usage data or graphical user interface software; and admits that two of the five registrations pleaded by Petitioner cover an unspecified type of computer hardware; and admits the remaining averments of ¶ 7 of the Petition.

6. Admits that one of the five registrations pleaded by Petitioner covers an unspecified type of computer hardware and identifies design code 26.01.31; denies that the only one of Petitioner's registrations covering any kind of software identifies design code 26.01.31; and denies the materiality of the remaining averments of ¶ 8 of the Petition.

7. Denies the averments of ¶¶ 11, 12, 15, 17 and 18 of the Petition.

8. Denies that design code 26.01.31 is identified in all of the registrations pleaded by Petitioner; admits that 26.01.31 is one of the five design codes indicated in Respondent's registration; admits that the only design code listed in all of the registrations pleaded by Petitioner ("01.01.05 – Stars – one or more stars with seven or more points") is not designated in Respondent's registration; and denies the remaining averments of ¶ 13 of the Petition.

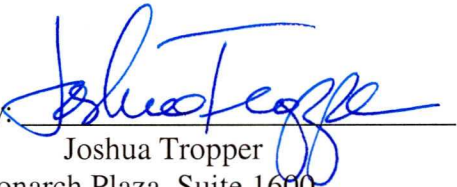
9. Admits that Respondent's registration covers computer hardware and computer peripherals, computer software for analysis of telecommunications usage data or graphical user interface software; denies that Reg. Nos. 2,636,061, 2,586,155 or 2,423,281 cover any of the goods averred in ¶ 16 of the Petition; denies that Reg. No. 2,636,161 covers any of the goods averred in ¶ 16 except for computer hardware; denies that Reg. No. 2,625,554 covers computer hardware other than for the analysis of DNA, RNA, cells and proteins; denies that any of the registrations pleaded by Petitioner cover computer software for analysis of telecommunications

usage data or graphical user interface software; and denies the materiality of the remaining averments of ¶ 16 of the Petition.

10. States further that the differences between the parties' design marks and the differences between the parties' goods and services are so substantial and manifest that no confusion has resulted or is likely to result.

DATED: February 17, 2009

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

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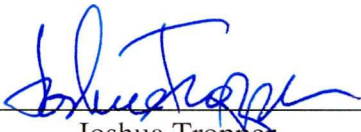
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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of February, 2009, a copy of the foregoing Answer was served via first class mail, postage prepaid, on the following:

Purvi J. Patel, Esq.
Haynes and Boone, LLP
2323 Victory Avenue, Suite 700
Dallas, TX 75219-7673

DATED: February 17 , 2009



Joshua Tropper